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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,217	11/25/2003	Hideyuki Tcrashima	01306.000114.	4960

5514 7590 10/05/2007  
FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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10/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/720,217

Applicant(s)

TERASHIMA ET AL.

Examiner

Negussie Worku

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11/25/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/25/07 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date See attachment.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. This Office action is in response to application filed on 11/25/03. Claims 1-14 are pending in the application. Claims 1 is independent and claims 2-14 are dependent,

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 06/28/07 and 07/19/04 has been reviewed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

### ***Drawings***

3. Figure 9 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Andersen et al. (USP 7,139,108).

With respect to claim 1, Anderson et al, teaches an image forming and reading apparatus (as shown in fig 1 and 2) comprising: image forming means (flatbed scanner 10 of fig 1) which form an image on a fed recording sheet (feed document ADF15 of fig 1); and image reading means (image sensor assembly 33 of fig 2) which read the image of a fed document, (document feed by ADF 15 of fig 1) wherein at least a portion of the feeding path of the recording sheet is common to at least a portion of the feeding path of the document, (document input path 45, and output path 47, col.6, lines 20-25), and the image reading means ( image sensor assembly 33 of fig 2, which includes image sensor (CCD) col.5, line sensor 40-45) can be set to a first position evacuated from the common feeding path (image sensor assembly 33, carried by carriage 31, moves along guide shaft 35 in a reciprocating fashion to an area positioned under contact glass plate 13 of fig 2, col.5, lines 40-60), and to a second position at which the image of the

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document that is fed through the common feeding path is read, and a reading position at which the image is read by the image reading means (image sensor assembly 33 of fig 2) is located downstream of the image forming means (carriage 31 carrying an image sensor assembly 33 of fig 2) in a recording sheet feeding direction (image carriage 33, with image read sensor 31, moves toward the scanning window, as shown by arrow, which is in a recording sheet direction from feed sheet tray 17 of fig 2).

With respect to claim 2, Anderson et al, teaches an image forming and reading apparatus (as shown in fig 1 and 2), wherein the image reading means (33 of fig 2) moves to the second position only when it reads the document (col.5, lines 55-60).

With respect to claim 3, Anderson et al, teaches an image forming and reading apparatus (as shown in fig 1 and 2), wherein the document and the recording sheet are fed by the same feeding means (ADF 5 of fig 2) in the common feeding path (fed path 47 and 43 of fig 2).

With respect to claim 4, Anderson et al, teaches an image forming and reading apparatus (as shown in fig 1 and 2), comprising a moving means (carriage 31 of fig 2) for moving the image reading means (image sensor 33 of fig 2) to the first position and the second position (image sensor reciprocate back and forth).

With respect to claim 5, Anderson et al, teaches an image forming and reading apparatus (as shown in fig 1 and 2), the image reading means (image sensor 33 of fig 2) faces in a different direction at the first position and the second position (col.5, 55-60).

With respect to claim 6, Anderson et al, teaches an image forming and reading apparatus (as shown in fig 1 and 2), wherein the image reading means (image sensor assembly 33 of fig 2) is located at a position lower than the maximum height of the image forming means (image sensor 33 of fig 2) at the first position (image sensor 33, is mounted is moved in an are positioned under the contact glass plate 13 of fig 2, col.5, lines 55-60).

With respect to claim 7, Anderson et al, teaches an image forming and reading apparatus (as shown in fig 1 and 2), wherein a reading density reference member is attached to the image reading means (33 of fig 2) and is evacuated from the common feeding path to the first position together with the image reading means (sensor assembly 33 of fig 2).

With respect to claim 8, Anderson et al, teaches an image forming and reading apparatus (as shown in fig 1 and 2), wherein the reading density reference member is attached rotatably with reference to the image reading means, (33 of fig 2) and density reference surface of the reading density reference member can be rotated in a direction where it is separated from reading surface of the image reading means (33 of fig 2).

With respect to claim 9, Anderson et al, teaches an image forming and reading apparatus (as shown in fig 1 and 2), wherein the feeding path (feed path 47 and 45 of fig 2) the document is formed between the image reading means (33 of fig 2) and the reading density reference member, and when the image reading means (image sensor 33 of fig 2) is moved to the second position, (image sensor 33 of fig 3, reciprocating) the feeding path of the document is in agreement with the feeding path of the recording sheet (col.5, lines 55-60).

With respect to claim 10, Anderson et al, teaches an image forming and reading apparatus (as shown in fig 1 and 2), wherein the reading density reference member comprises a white sheet member (scanning of the original document 37, is performed while the carriage 31, is moving at a range corresponding to a size of original document, col.6, lines 50-55).

With respect to claim 11, Anderson et al, teaches an image forming and reading apparatus (as shown in fig 1 and 2), wherein the image reading means (33 of fig 2) comprises storage means (image processor 73 of fig 5, inherently having a storage) for storing the shading correction data and stores the data for correcting shading in the storage means beforehand (signal generated by the detector 71 sensor 53, is coupled to a processor 73, and other logic circuit provides control of correction data, by storing in a processor 73. of fig 5, inherent to have storage area, col.9, lines 20-25).

With respect to claim 12, Anderson et al, teaches an image forming and reading apparatus (as shown in fig 1 and 2), wherein the image forming means (33 of fig 2) executes recording by ejecting ink according to a signal (ink is ejected during image forming process, which is inherent).

With respect to claim 13, Anderson et al, teaches an image forming and reading apparatus (as shown in fig 1 and 2), wherein the image forming means (33 of fig 2) energizes an electro-thermal transducer according to a signal and ejects the ink by the thermal energy generated by the electro-thermal transducer (it is inherent in the are of image forming apparatus, ink by the thermal energy generated by the electro-thermal transducer).

With respect to claim 14, Anderson et al, teaches an image forming and reading apparatus (as shown in fig 1 and 2), wherein the first position is located downstream of the image forming means (image sensor assembly 33 of fig 2) in a recording sheet feeding direction (ADF 15 of fig 2).


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is 571-272-7472. The examiner can normally be reached on 9am-6pm.



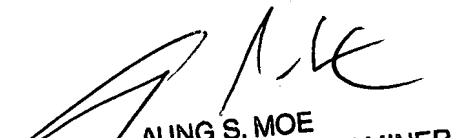
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on 571-272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



NW  
09/18/07



AUNG S. MOE  
SUPERVISORY PATENT EXAMINER  
10/1/07